

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of October 31, 2008.

Reconsideration of the Application is requested.

The Office Action

Claims 1-2, 6, and 8-15 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,842,178 issued to Giovannoli, in view of U.S. Patent No. 5,765,138 issued to Aycock et al. (hereinafter Aycock).

Claims 1-4, 6-15, and 17 remain in this application. Claims 5 and 16 are canceled.

Telephonic Conference of January 29, 2009 and Finality of Office Action

Applicants appreciate the Examiner's time during the telephone call of January 29, 2009. It is acknowledged Applicants contacted the Examiner to discuss the §101 rejections, which will be expanded on below. However, while calling the Examiner, Applicants noticed an issue related to the finality of the present Office Action, as it particularly pertained to claims 10-14. During the interview, the Examiner rightfully noted Applicants had asked for an interview related to §101 questions and not this topic. Therefore, it was requested that Applicants submit this issue in the present response.

Thus, Applicants respectfully note herein that the previous non-final Office Action mailed March 6, 2008, did not make any art rejections of claim 10 or its dependent claims. Therefore, in the amendment filed July 7, 2008, Applicants only amended claim 10 to overcome the §101 rejection, and also to strengthen the language of some recited limitations as Applicants understood could be based on a telephonic interview conducted June 12, 2008. The current Office Action, however, has rejected claim 10 and its dependent claims under §103(a) which is the first time an art rejection has been made against the claims. Consequently, Applicants have not previously had an opportunity to argue any art rejections against the claims.

In view of this, Applicants respectfully submit, for the reasons set forth above,

that the finality of the Office Action be removed so that Applicants have an opportunity to address claim 10 in response to the art rejections.

The §101 Rejections

Claims 1-2, 6, and 8-9 Directed to Statutory Subject Matter

Independent claim 1 of the present application, stands rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicants respectfully traverse this rejection.

Applicants first note that dependent claim 5 has been incorporated into the recited limitations of claim 1 by amendment herein. For at least this reason, claim 1 is now directed to statutory subject matter, i.e., by incorporating the statutory subject matter of dependent claim 5. However, Applicants submit that, even without the incorporation of the limitations of dependent claim 5, claim 1 is directed to statutory subject matter. For example, the recited limitation for "notifying the buyer, automatically by the electronic supplier on-line system, of the registration of the suppliers" requires the use of a computer system in order to automatically perform the step of notifying the buyer. The supplier on-line system itself, as described in paragraph 18 of the present application, includes a physical infrastructure. This physical infrastructure is statutory subject matter, and is necessary to performing the step of automatic notification of the buyer. To further ensure that claim 1 is directed to statutory subject matter, the preamble of claim 1 has been amended to recite the physical infrastructure described in paragraph 18.

Applicants, therefore, respectfully submit that claim 1, as amended, satisfies the requirements set forth under 35 U.S.C. §101. By reason of dependence from base claim 1, Applicants submit that claims 2, 6, and 8-9 also satisfy the requirements set forth under 35 U.S.C. §101.

Claims 10-14 Directed to Statutory Subject Matter

Independent claim 10 of the present application, also stands rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicants also respectfully traverse this rejection.

Applicants first note that dependent claim 16 has been incorporated into the recited limitations of claim 10 by amendment herein. For at least this reason, claim 10 is now directed to statutory subject matter, i.e., by incorporating the statutory subject matter of dependent claim 16. However, Applicants submit that, even without the incorporation of the limitations of dependent claim 16, claim 10 is directed to statutory subject matter. For example, the recited limitation for "making the request for quotation pack available to selected suppliers on a supplier on-line system web site" requires the use of a computer system in order to store the quotation, to make it available to the selected suppliers. The supplier on-line system itself, as described in paragraph 18 of the present application, includes a physical infrastructure. This physical infrastructure is statutory subject matter, and is where the request for quotation pack is made available to the selected suppliers. To further ensure that claim 10 is directed to statutory subject matter, the preamble of claim 10 has also been amended to recite the physical infrastructure described in paragraph 18.

Applicants, therefore, respectfully submit that claim 10, as amended, satisfies the requirements set forth under 35 U.S.C. §101. By reason of dependence from base claim 10, Applicants submit that claims 11-15 also satisfy the requirements set forth under 35 U.S.C. §101.

Claim 15 Directed to Statutory Subject Matter

Claim 15 of the present application, also stands rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicants also respectfully traverse this rejection.

Applicants first note that claim 15 has been amended herein to be an independent claim, reciting all of the limitations of base claim 10, as amended. Thus, the arguments presented above with respect to the §101 rejection of claim 10, apply as well to claim 15. However, claim 15 has been additionally amended with reference to the recited limitation for downloading the engineering documents. The subject downloading limitation now also recites that the engineering documents control operation of the at least one of the CAD workstation, the plotter, and the CNC machine which generates at least one of a printed document or a manufactured part. Applicants submit that this constitutes statutory subject matter.

Applicants, therefore, respectfully submit that claim 15, as amended, satisfies the requirements set forth under 35 U.S.C. §101.

The §103 Rejections

Independent Claim 1 Patentably Distinct Over the References

With reference to independent claim 1 of the present application, the Office Action rejects the subject claim under 35 U.S.C. §103(a) based on the teachings of Giovannoli in view of Aycock. Applicants respectfully traverse this rejection.

First, the Office Action admits that Giovannoli fails to explicitly teach including the business information and the engineering information to be used by at least one of the suppliers for generating the non-commodity parts or devices, registering information in the service bidding process for the non-commodity parts or devices, selecting the suppliers that are to receive the request for quotation pack, making the request for quotation pack available to selected suppliers on a supplier on-line system web site, e-mailing all suppliers that the request for quotation pack is available at the web site, and displaying the request for quotation pack on a computing device for at least one of the suppliers. However, the Office Action then argues that Aycock discloses the above-listed limitations, with reference to col. 4, lines 64-67, and col. 1, lines 1-13. Applicants respectfully disagree for the reasons set forth below.

As stated in the Office Action itself, Aycock describes a method directed to evaluating the quality control capabilities of the supplier and is therefore also referred to as a supplier quality maturity assessment process (see col. 4, line 67 - col. 5, line 3). The Office Action has not shown, however, where Aycock describes, e.g., including the business information and the engineering information to be used by at least one of the suppliers for generating the non-commodity parts or devices. To the contrary, the Aycock reference is directed to determining the maturity level of a potential supplier of goods or services, rather than providing detailed product engineering specifications. For example, Aycock discloses in col. 5, lines 37-43, that the "set of supplier quality process maturity requirements established in step 12 serve as a reference for all available maturity requirements for use in establishing quality maturity requirements for a specific project. As discussed below in detail with respect to FIG. 2, these supplier quality

process maturity requirements may be set up in a database for selective access." There is no suggestion or teaching that the described maturity requirements include engineering drawings or business data for a requested product. In Fig. 2, for example, the databases taught by Aycock are shown. A specification database 62 "database 62 serves as a library for all hardware and software specifications for known quality process standards" (col. 9, lines 25-27). The database relates to quality standards rather than engineering specifications.

Also shown in Fig. 2 is a product database 66. The product database, however, relates only to existing parts, or previously manufactured parts provided by existing or prior vendors. As described in col. 9, line 60 - col. 10, line 5, the product database "identifies product performance and reliability for existing products supplied by existing and prior vendors. For example, in the field of telecommunications, the product database may include a data record for a digital switch manufactured by an approved vendor. Such a record would include vendor identification, the model number of the digital switch, and an evaluation of the product conformance to technical specifications, and an evaluation of the product reliability. Thus, while the vendor database 64 evaluates performance and quality maturity from the perspective of the vendor generally, the product database 66 enables specific evaluation of products supplied by existing and prior vendors."

Finally, with reference to the databases shown in Fig. 2, a vendor database 64 is shown. The vendor database, however, is described as storing "existing vendor performance reports, historical vendor performance reports, any prior on-site audit reports, and supplier responses to issued RFP/RFQ's." The vendor database also stores "on-site audit reports from prior supplier visits ... as well as any additional reports of on-site supplier inspections" and "supplier responses to issued RFP/RFQ's."

Based at least on the above-discussed teachings of Aycock, Applicants submit that the Aycock reference neither teaches nor fairly suggests the recited limitations of claim 1 of the present application regarding including the business information and the engineering information to be used by at least one of the suppliers for generating the non-commodity parts or devices. Instead, the Aycock reference describes a method for determining the maturity level of a potential supplier with regard to quality assurance.

Thus, while combining the Aycock reference with the Giovannoli reference might provide additional, and beneficial, functionality to the Giovannoli reference, it would not provide the above-listed functionality recited in claim 1 of the present application.

Further, the Office Action does not show where either the Giovannoli reference or the Aycock reference teach or fairly suggest the recited limitations of claim 1 for making the request for quotation pack available to selected suppliers on a supplier on-line system web site, and e-mailing all suppliers that the request for quotation pack is available at the web site.

Incorporation of Dependent Claim 5

In view of the fact that dependent claim 5 has been incorporated by amendment into claim 1, the following arguments are in response to the rejection of claim 5 in the Office Action. Applicants submit that the Office Action has not shown where either the Giovannoli reference or the Aycock reference teach or fairly suggest the recited limitation for synchronizing the data in the request for quotation with internal and external databases in order to transfer the files to a designated web site. Although the Office Action broadly cites the entire Giovannoli reference (cols. 1-8), the Office Action offers no specific instance or instances of such teaching. Both references appear to be silent on the subject of synchronizing data in a request for quotation with internal and/or external databases. In particular, the Giovannoli reference teaches that no central database of goods, prices, etc. is involved (col. 2, lines 45-51 and col. 3, lines 63-65). In support of this, an examination of Fig. 4 reveals that there is no database on the buyer side (i.e. internal database), or at the central office, with which to synchronize the RFQ. Further, in the description of the flow shown in Fig. 4, there is no teaching or suggestion that the central office (or buyer) synchronizes the RFQ to any database before preparing the RFQ e-mail (col. 4, lines 32-52). Applicants respectfully submit that the Office Action is in error when claiming that Giovannoli discloses this recited feature.

Further, the Aycock reference neither teaches nor fairly suggests synchronization of an RFP or RFQ with internal and external databases. With reference to Fig. 1, Aycock describes the preparation of the RFP/RFQ in step 14, and dissemination of the RFP/RFQ to the suppliers in step 16 with no suggestion of synchronization of the RFP/RFQ to any database (col. 5, line 66 - col. 6, line 7). It follows that even the

combination of Aycock with Giovannoli would neither teach nor suggest the recited limitation for synchronizing the data in the request for quotation with internal and external databases.

Applicants therefore submit that features of previous dependent claim 5 which have been incorporated into claim 1 recite additional patentably distinct features which place claim 1 even further in condition for allowance.

For at least the reasons set forth above, Applicants respectfully submit that the combination of the Giovannoli reference and the Aycock reference neither teaches nor fairly suggests all recited limitations of independent claim 1, as amended, and therefore claim 1 is in condition for allowance. As dependent claims 2-4 and 6-9 depend from claim 1 and recite additional limitations serving to further distinguish these claims over the references, it is respectfully submitted that claims 2-4 and 6-9 are also in condition for allowance.

Dependent Claim 7

Although Applicants submit that claim 7 stands in condition for allowance by reason of dependence from claim 1, Applicants further submit that the Office Action has not shown where either the Giovannoli reference or the Aycock reference teach or fairly suggest the recited limitation for "an automatic document transfer process which generates files to be included in the request for quotation pack wherein the automatic document transfer process transfers the generated files to individual supplier folders maintained on a back end supplier on-line server." Although the Office Action broadly cites the entire Giovannoli reference (cols. 1-8), the Office Action offers no specific instance or instances of such teaching. Both references appear to be silent on the subject of transferring generated files to individual supplier folders maintained on a back end supplier on-line server. In particular, Giovannoli, with reference to Fig. 4, teaches that "The Central Office would process RFQs through appropriate software and would wait for vendors to contact the Central Office FTP site. Vendors would use quotation system supplied software to cross reference their inventory to link with product lists used by the quotation system. When contacted the Central Office would acquire via suitable vendor software the RFQ information required and available from the vendor's

product database" (col. 4, lines 37-43). There is no teaching or suggestion of an "automatic document transfer process", but contrariwise, a teaching that the system "wait[s] for vendors to contact the Central Office." Applicants respectfully submit that the Office Action is in error when claiming that Giovannoli discloses this recited feature.

Further, the Aycock reference neither teaches nor fairly suggests an automatic document transfer process for transferring generated files to individual supplier folders maintained on a back end supplier on-line server. With reference to Fig. 2, Aycock describes the supplier evaluation system, and there is no suggestion of the presence of individual supplier folders or an automatic document transfer process (col. 9, line 21 - col. 11, line 62). It follows that even the combination of Aycock with Giovannoli would neither teach nor suggest the recited limitation for an automatic document transfer process.

Applicants therefore submit that dependent claim 7 recites additional patentably distinct features which place it even further in condition for allowance.

Independent Claim 10 Patentably Distinct Over the References

With reference to independent claim 10 of the present application, the Office Action rejects the subject claim under 35 U.S.C. §103(a) based on the teachings of Giovannoli in view of Aycock. Applicants respectfully traverse this rejection.

Applicants submit that Giovannoli fails to explicitly teach including both engineering and business documents as attachments to the request for quotation, and further submit that Giovannoli teaches against including engineering documents which comprise a limiting feature of the subject claim. Giovannoli teaches standardization of product or service descriptions, or appropriate text oriented descriptions to avoid confusion. The engineering documents as recited in claim 10 of the present application, to the contrary, are essential for the description of non-commodity parts. For example, "Electronic transmission of engineering data, such as drawings, to the supplier on such an immediate basis decreases the lead-time necessary for generation of the actual physical parts to be delivered to the buyer" (paragraph 21).

Applicants further note that the subject claim clearly recites a limitation for determining that the bidding is for a commodity item or for a non-commodity item, and

selecting which generated documents are to be attached as part of a service bidding process corresponding to the non-commodity parts or devices. Applicants submit that Giovannoli does not teach or suggest this recited limitation, but, contrariwise, teaches against this limitation and states that "the goods and services must be standard items to ensure that there is no confusion as to what buyers are requesting and what sellers are offering to buyers" (col. 3, line 66 - col. 4, line 1). Applicants further noted that Giovannoli teaches that "Standardization of product or service descriptions is essential to avoid confusion unless a more text oriented specification is appropriate to the product or service type" (col. 4, lines 7-15).

Applicants also submit that the combination of Aycock and Giovannoli fails to disclose the above-discussed feature. As stated in the Office Action itself, Aycock describes a method directed to evaluating the quality control capabilities of the supplier and is therefore also referred to as a supplier quality maturity assessment process (see col. 4, line 67 - col. 5, line 3). The Office Action has not shown, however, where Aycock describes, e.g., including the business information and the engineering information. To the contrary, the Aycock reference is directed to determining the maturity level of a potential supplier of goods or services, rather than providing detailed product engineering specifications as previously discussed with reference to claim 1.

Based at least on the above-discussed teachings of Aycock, Applicants submit that the Aycock reference neither teaches nor fairly suggests the recited limitations of claim 10 of the present application regarding including the business documents and the engineering documents.

Incorporation of Dependent Claim 16

In view of the fact that dependent claim 16 has been incorporated by amendment into claim 10, the following arguments are in response to the rejection of claim 10 in the Office Action. Applicants submit that the Office Action has not shown where either the Giovannoli reference or the Aycock reference teach or fairly suggest the recited limitation for synchronizing data included in the request for quotation pack with data of internal and external databases. Although the Office Action broadly cites the entire Giovannoli reference (cols. 1-8), the Office Action offers no specific instance or instances of such teaching. Both references appear to be silent on the subject of

synchronizing data in a request for quotation with internal and/or external databases. In particular, the Giovannoli reference teaches that no central database of goods, prices, etc. is involved (col. 2, lines 45-51 and col. 3, lines 63-65). In support of this, an examination of Fig. 4 reveals that there is no database on the buyer side (i.e. internal database), or at the central office, with which to synchronize the RFQ. Further, in the description of the flow shown in Fig. 4, there is no teaching or suggestion that the central office (or buyer) synchronizes the RFQ to any database before preparing the RFQ e-mail (col. 4, lines 32-52). Applicants respectfully submit that the Office Action is in error when claiming that Giovannoli discloses this recited feature.

Further, the Aycock reference neither teaches nor fairly suggests synchronization of an RFP or RFQ with internal and external databases. With reference to Fig. 1, Aycock describes the preparation of the RFP/RFQ in step 14, and dissemination of the RFP/RFQ to the suppliers in step 16 with no suggestion of synchronization of the RFP/RFQ to any database (col. 5, line 66 - col. 6, line 7). It follows that even the combination of Aycock with Giovannoli would neither teach nor suggest the recited limitation for synchronizing the data in the request for quotation with internal and external databases.

For at least the reasons set forth above, Applicants respectfully submit that the combination of the Giovannoli reference and the Aycock reference neither teaches nor fairly suggests all recited limitations of independent claim 10, as amended, and therefore claim 10 is in condition for allowance. As dependent claims 11-14 and 17 depend from claim 10 and recite additional limitations serving to further distinguish these claims over the references, it is respectfully submitted that claims 11-14 and 17 are also in condition for allowance.

Independent Claim 15 Patentably Distinct Over the References

With reference to claim 15 of the present application, the Office Action rejects the subject claim under 35 U.S.C. §103(a) based on the teachings of Giovannoli in view of Aycock. Applicants respectfully traverse this rejection.

Applicants first note that claim 15 has been amended herein to be an independent claim, reciting all of the limitations of base claim 10, as amended. Thus,

the arguments presented above with respect to the §103(a) rejection of claim 10, apply as well to claim 15. However, claim 15 has been additionally amended with reference to the recited limitation for downloading the engineering documents. The subject downloading limitation now also recites that the engineering documents control operation of the at least one of the CAD workstation, the plotter, and the CNC machine which generates at least one of a printed document or a manufactured part. Applicants submit that this further defines the distinguished claim.

For at least the reasons set forth above, Applicants respectfully submit that the combination of the Giovannoli reference and the Aycock reference neither teaches nor fairly suggests all recited limitations of independent claim 15, as amended, and therefore claim 15 is in condition for allowance.

Dependent Claim 17

Applicants note that claim 17 is amended herein only for the purpose of correcting an inadvertent misspelling, changing the dependency to claim 10, and to have a correct antecedence basis with reference to base claim 10. No new matter has been added.

CONCLUSION

For the reasons detailed above, it is submitted all remaining claims (Claims 1-17) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

☒ Remaining Claims, as delineated below:

(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR		(3) NUMBER EXTRA
TOTAL CLAIMS	15	- 20 =	0
INDEPENDENT CLAIMS	3	- 3 =	0

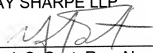
☒ This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.

☒ The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account 24-0037.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Mark Svat, at Telephone Number (216) 363-9000.

Respectfully submitted,

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